IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 3405 of 2002

For Approval and Signature:

THE HON'BLE MR.JUSTICE J.R.VORA

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 of any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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PANKAJ N VAIDYA

Versus

M/S B.K. INDUSTREIS PARTNERSHIP FIRM

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Appearance :

MR JA ADESHRA for Petitioner

MR DHIRENDRA MEHTA for Respondents 1 -4

MR SP HASURKER APPfor Respondent No. 5

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CORAM :THE HON'BLE MR.JUSTICE J.R.VORA

Date : 21/06/2005

ORAL JUDGMENT

1. Heard learned Advocate Mr.J.A. Adeshra for the petitioner – original complainant, learned Advocate Mr. Dhirendra Mehta for respondents No. 1 to 4 and learned APP Mr. S.P. Hasurker for respondent No.5 State of Gujarat. This application is preferred for obtaining Special Leave to file an Appeal againt the order passed by learned Chief Judicial Magistrate, Surat, on 8th of

March, 2002 in Criminal Case No.5341 of 1989 acquitting the present respondents No. 1 to 4 for the offence punishable under Sections 24, 25, 43, 44 and 47 of the Water (Prevention and Control of Pollution) Act, 1974.

2. Having heard learned counsel for the petitioner and having gone through the judgment, it clearly appears that this is a fit case wherein the Special Leave to Appeal be granted to the appellant, who is Assistant Law Officer of Gujarat Pollution Control Board and was complainant in the said criminal case.
3. In view of above, this Criminal Misc. Application is allowed and Special Leave to Appeal in pursuance of Section 378(4) of the Code of Criminal Procedure is granted to the applicant. Rule made absolute.
4. Appeal be placed on Board for admission on 8th of July, 2005 and Office is directed to call for Record &Proceedings of the Trial Court so as to reach this Court before the returnable date.

(J.R.VORA, J.)

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